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Testimony

Before the Committee on Resources

United States House of Representatives

Hearing on the

Domestic Energy Production through Offshore Exploration

and Equitable Treatment of State Holdings Act of 2006

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I am Terry Cleveland, Director, Wyoming Game and Fish Department, and I appreciate the opportunity to provide testimony on H.R. 4761. I also serve as vice chair of the Energy and Wildlife Policy Committee of the Association of Fish and Wildlife Agencies, which represent the collective interests of the 50 state fish and wildlife agencies. The state fish and wildlife agencies have statutory authority for the fish and wildlife resources within their borders and responsibility to ensure the sustainability of these resources for their citizens. The state fish and wildlife agencies recognize that sustainable energy development as well as sustainable fish and wildlife resources are in the national interest and are committed to working to ensure that energy development objectives are met consistent with meeting fish and wildlife conservation objectives. Energy development is going to happen; we want to make it happen right for our citizens.

Both the Wyoming Game and Fish Department and the Association of Fish and Wildlife Agencies support Section 14 of the bill, as it would provide much-needed funding to State fish and wildlife agencies in producing states to proactively evaluate, monitor, and manage fish and wildlife resources impacted by energy development.

Wyoming is a national focus for energy development. At a time when world politics are interfering with imports and other supplies are dwindling, Wyoming has the largest domestic reserves of coal and uranium, world-class natural gas and wind resources, as well as significant oil production. With Wyoming's small human population, we are able to provide a higher percentage of our energy resources to out-of-state users than any other state. The development of energy resources in Wyoming has increased exponentially the past several years, and that trend is expected to continue well into the future.

While Wyoming truly has world-class energy resources, it also has world-class wildlife resources and a state culture that values wildlife very highly. About half of Wyoming's residents hunt and/or fish, 75% enjoy non-consumptive wildlife watching activities, and many thousands of nonresidents spend time in Wyoming each year specifically to take part in those activities. While energy development is the state's chief economic engine, wildlife-associated activities are a very significant part of the state's second leading industry, tourism and recreation. In the past, energy development followed a boom/bust cycle, while economic support from tourism and recreation has been steady throughout the years. Tourism and recreation need to be maintained to provide economic diversity and continue as a vital part of the state's economy when development of nonrenewable energy sources inevitably slows.

Over the next 30 years, total energy production in Wyoming is expected to substantially increase. In particular, natural gas production is predicted to double by 2030. Coal power plants are in the planning and construction phases in several areas of Wyoming. Wind farms have been developed, and more are planned. Large-scale increases in pipeline capacities and the electric power grid are underway. The increased demand and prices for uranium indicate a coming resurgence in this industry. Interest is high for developing synfuel plants in Wyoming. Wyoming also has very significant oil-shale deposits and research on how to extract this resource is progressing.

Impacts on wildlife from energy development can be very significant. Energy development in Wyoming is huge in scale, potentially impacting 25% of our surface area. It is high intensity and millions of acres will have oil/gas well pads on 40-160 acre spacings. Expectations are that this will also be long in duration, with most natural gas fields projected to have development phases exceeding 10 years and life-of-field production for several decades. Coal production may last for 250 years. Energy development impacts wildlife in a variety of ways, not only from well pads and mines, but also from associated roads, pipelines, power lines, and increased human activity and disturbance. Very significant portions of energy development areas in Wyoming contain habitats that are key to maintaining fish and wildlife populations.

As an agency, the Wyoming Game and Fish Department is not opposed to energy development. We recognize the national energy need and Wyoming's contribution towards fulfilling that need. We also recognize our statutory obligations to conserve and manage the 800+ species of wildlife found in Wyoming that are so important to our state's economy and the culture and heritage of our citizens.

We believe it is possible to maintain Wyoming's flourishing wildlife populations, but it will require greater collaborative effort with energy development proceeding at a scale, intensity, and duration far beyond anything we have experienced in the past.

This effort will require additional funding. I wholeheartedly agree with Congress's findings in Section 14(a) concerning the necessary expenditures by state fish and wildlife agencies to deal with energy development and the inadequacy of current traditional funds to support that work.

As noted in Section 14, there are a variety of activities related to energy development that require additional funding, including surveys, environmental analyses, research, and management. The Wyoming Game and Fish Department has been involved with federal agencies and industry in assessing and planning development activities for many years. I believe that through these collaborative efforts, better decisions on development have been made that ultimately allowed the resource to be developed while mitigating and minimizing impacts to wildlife. But this is very time-consuming, information-intensive and expensive work, and the pace of development is outrunning our ability to be adequately involved in these projects. Often, we have not been able to provide needed data and recommendations in the analyses of these activities because of insufficient funds. This not only adversely affects fish and wildlife, it also results in poorer quality, less credible National Environmental Policy Act analyses for developments. It would benefit both wildlife and energy development if we were better able to gather and provide needed environmental information.

Information needs include baseline habitat and wildlife population survey data to complement the analyses of large-scale developments, and the all-important monitoring of mitigation and reclamation efforts that not only determine the ultimate success of those efforts, but guide future planning of other developments.

Baseline information collection and monitoring of key habitats such as crucial big game winter ranges, sage grouse nesting habitat, blue-ribbon trout streams, migratory bird nesting habitat, and attention to the habitat needs of the sensitive species that have been identified in our Comprehensive Wildlife Conservation Strategy all need increased efforts.

It is especially important that these sensitive species, i.e. wildlife species-at-risk, are addressed, as these are the most likely to be petitioned as Threatened or Endangered under the Endangered Species Act if it is perceived that significant detrimental effects from energy development are occurring. In Wyoming's Comprehensive Wildlife Conservation Strategy, we have identified 279 species that need substantial work to ensure that impacts, such as from energy development, do not place them in jeopardy under the Endangered Species Act. If detrimental effects are occurring, we need to be able to manage these impacts before species become jeopardized. We currently do not have the funds to adequately monitor a fraction of that many species.

Additional monitoring and research are needed to address mitigation and reclamation for the large scale and

high intensity disturbances from energy developments occurring in Wyoming. Since this scale and intensity are unprecedented, there is inadequate information about possible impacts on wildlife as well as methodologies and solutions to deal with these impacts. These must be developed to ensure wildlife populations remain viable in energy development areas.

In summary, species like sage grouse, mule deer, and others associated with sagebrush steppe habitats are already below desired levels in many areas. Regardless of how well we do planning, permitting, monitoring, using best management practices and on-site mitigation, given the level of development and human activity compounded with chronic drought and other competing land uses, we are unlikely to maintain or enhance wildlife populations at the landscape scale unless we proactively implement basin-wide wildlife habitat initiatives.

Within our agency, we have been funding our energy development work largely at the expense of other programs. A recent example of robbing Peter to pay Paul is our conversion of a fisheries population biologist position in northeastern Wyoming into a position dealing with coal bed natural gas issues. We will not be able to adequately back-fill the fisheries position, an important position that has been essential for managing game fish in northeastern Wyoming for more than 30 years. We are unable to stretch license fee and federal excise tax monies, which constitute almost 90% of our revenue, to adequately cover the additional costs associated with increased energy development while maintaining existing programs and services.

Although we have pursued additional funding through our state legislature and the federal government for years, those efforts have not yet provided sufficient revenue to adequately address wildlife issues relating to energy development. A bright spot has been our work in several cases with industry and federal agencies to secure funding for specific projects. But overall, we have inadequate funding to address statewide energy development issues.

The additional money from this bill, while not a complete solution, would be a significant contribution towards better dealing with energy development impacts on wildlife.

Thank you for the opportunity to share our perspectives and I would be pleased to address any questions.